



STATE OF MISSOURI

MISSOURI ETHICS COMMISSION
P.O. BOX 1254
JEFFERSON CITY, MISSOURI 65102

OPINION NO.

1994.08.122

314/751-2020
1-800/392-8660

September 6, 1994

COPY

The Missouri Ethics Commission, at its August 19, 1994 meeting, considered the following questions raised in your letter of August 2, 1994.

1. If a corporation's employees are on company paid time and participate in a fund raising event such as a golf tournament, would the value of any wages paid to those employees by the employing company covering the employee's participation be a reportable campaign expenditure or contribution to the candidate?

2. In the same scenario, would any other expenses paid by the employee and reimbursed by the Company, such as the use of a personal car to travel to the tournament, meals or lodging, be a reportable campaign expenditure to the candidate? If Company resources such as company cars, office space, office amenities, equipment and supplies are used in arranging for employees to participate, would this be considered a reportable campaign expenditure or contribution to the candidate?

The answer to questions 1 and 2 is no. The Commission interprets the statutes of Missouri to state that the candidate is the person who assigns the value to any in-kind contribution. The value must be of value to the candidate. Therefore, an employee of Southwestern Bell traveling to a golf tournament may be a value to Southwestern Bell, but has no intrinsic value to the candidate.

3. Would the Company paid time spent by Company employees to plan and organize an event such as a golf tournament for a candidate be a reportable campaign expenditure or contribution from the Company to the candidate?

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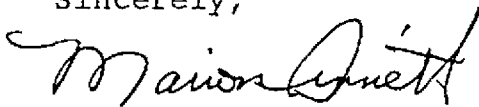
4. Would any corporate resources such as company cars, office space, office amenities, equipment and supplies used in the planning and organization of such an event be a reportable campaign expenditure or contribution from the Company to the candidate?

The answer to questions 3 and 4 is also no. The only time a person's time spent on working for a campaign would be of value would be when that person is contributing his or her specialty to the campaign, i.e., if an attorney does legal work for a campaign, this would be an in-kind expense; also if a CPA is doing accounting work for a campaign, such work would be an in-kind expense.

The Commission believes that work performed by a campaign volunteer which is not specific to that volunteer's arena of expertise and employment, is not an in-kind expense chargeable to the campaign.

If you have any further questions, please do not hesitate to contact our office.

Sincerely,



Marion N. Sinnett
Administrative Secretary

MNS:bd

NOTICE

Anyone examining this advisory opinion should be careful to note that an opinion of the Missouri Ethics Commission deals only with the specific request to which the opinion responded and only as to the law as it existed at the date of the response and cannot be relied upon for any other purpose or in any other manner.



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Attachment to
OPINION NO.
94.08.122

314/751-2020
1-800/392-8660

September 16, 1994

This letter is in response to your telephone call concerning the question, if a corporation pays its employees and then assigns those employees to work on a campaign, is the campaign responsible for reporting the amount paid to those employees as an in-kind expenditure and an in-kind contribution?

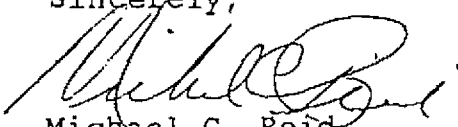
At the last meeting of the Missouri Ethics Commission, the Commission stated it is the responsibility of the campaign to report the value of in-kind contributions. As we discussed, while your corporation is paying a lawyer \$50 an hour for his services to the corporation, the campaign does not get \$50 an hour services from the same lawyer when he is out pounding yard signs in the ground. The work can be done by any volunteer and it is not appropriate for the campaign to report that as an in-kind contribution when, in fact, it appears to be volunteer work.

Your question concerning work by a professional and if a person who is employed in the capacity as a lawyer or CPA and does legal or accounting work for the campaign, this would be an in-kind contribution and an in-kind expenditure. Your question about the area of a public relations manager doing public relations for the campaign is one that I must discuss with Marion Sinnett and I will give you an answer as soon as possible.

If you any further questions, please do not hesitate to contact me.

Sincerely,

NOTICE


Michael C. Reid
Director of Compliance

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MCR:bd